

REMARKSI. Introduction

In response to the Office Action dated January 30, 2006, claims 2, 6, 7, and 32 have been amended, and claims 82-86 have been added. Claims 1-86 are in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Information Disclosure Statement

It is noted that the Examiner did not initial the Clients form 1449 dated September 28, 2001. The Applicants believe this to be an error and respectfully request that this form be initialed where appropriate.

III. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for purposes of patentability.

IV. Non-Art Rejection

In paragraph (2)-(3), the Office Action rejects claims 2, 7, and 32 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Applicant has amended claims 2, 7, and 32.

V. The Cited References and the Subject Invention

A. The Novak Reference

U.S. Patent No. 5,787,335, issued July 28, 1998 to Novak discloses a direct broadcast satellite system for multiple dwelling units. A system is provided for distribution of broadcast and direct satellite television signals to multiple users, for example, within a multiple dwelling building. In one embodiment broadcast signals are combined with right and left-hand satellite signals and provided by a dual transmission line distribution system to user locations. In an alternate embodiment, satellite signals corresponding to one polarization are converted to a separate frequency band to

provide a combined signal incorporating left and right-hand corresponding satellite signals and broadcast signals for distribution.

B. The Arsenault Reference

U.S. Patent No. 6,922,844, issued July 26, 2005 to Arsenault et al. disclose a method and apparatus for distinguishing program guides according to originating network. A system and method for providing program guide information to subscribers is disclosed. In one embodiment, the method is applied to a broadcasting system having a plurality of service networks, each broadcasting a set of programs and program guide information describing at least a portion of the set of programs. The method comprises the steps of determining a receiver station configuration; receiving a first program guide information at the receiver station, the first program guide information comprising a default transmitting network identifier value uniquely identifying the service network transmitting the first program guide information; and generating a first program guide from the first program guide information and presenting the first program guide, according to a comparison between the determined receiving station configuration and the default transmitting network identifier. The preferred embodiment can also be described by a receiver for receiving the first program guide information and selectably providing the program guide information depending on a relationship between the default transmitter identifier value and a value representing the receiver station configuration.

C. The Khoo Reference

U.S. Patent No. 6,434,747, issued August 13, 2002 to Khoo et al. disclose a method and system for providing a customized media list. A method and system is described for providing a customized media list to a user over a data network. The method comprises providing a personalized data of the user to a computer system, generating a customized media list by the computer system for the user based on the personal data, and providing the customized media list to the user through the computer system where the customized media list represents a customized content and a customized advertising. A system is further disclosed and claimed for providing customized media list to a user over a data network.

VI. Office Action Prior Art Rejections

In paragraphs (4)-(5), the Office Action rejected claims 1-9, 11, 12, 15, 16, 20, 21, 23, 28-34, 36, 37, 40, 41, 45, 46, and 48 under 35 U.S.C. § 102(b) as being anticipated by Novak, U.S. Patent No. 5,787,335 (Novak). The Applicants respectfully traverse these rejections.

At the outset, the Applicants thank the Examiner for the clear and concise nature of the Examiner's rejections. Turning to the claims:

With Respect to Claim 1-9, 11, 12, 15, 16, 20, 21 and 23: Claim 1 recites:

*A system for receiving continuous services, comprising:
a first splitter having an input, a first output and a slaved output receiving a first signal at the input having a single polarization including a first service and a slaved service, wherein the first signal is directed to the first output and the slaved output and selected by a first control signal applied at the input;
a first tuner receiving the first output and tuning the first service; and
a slaved tuner receiving the slaved output and tuning the slaved service.*

Several important features of claim 1 are not disclosed in the Novak reference. First, as the Office Action apparently recognizes, Novak does not disclose a slave output, a slave service or a slave tuner. The Office Action appears to base its rejection on the notion that the slave output/service/tuner are no different than simply a second output/service/tuner, but they the difference between the two notions is substantial (slaved services are discussed in the Applicant's specification at page 7, line 28 through page 8, line 4; and page 9, lines 3-8). Second, the Office Action indicates that "the first signal is directed to the first output and the slaved output and selects by a first control signal (via switch 62)", as shown in FIG. 2 below:

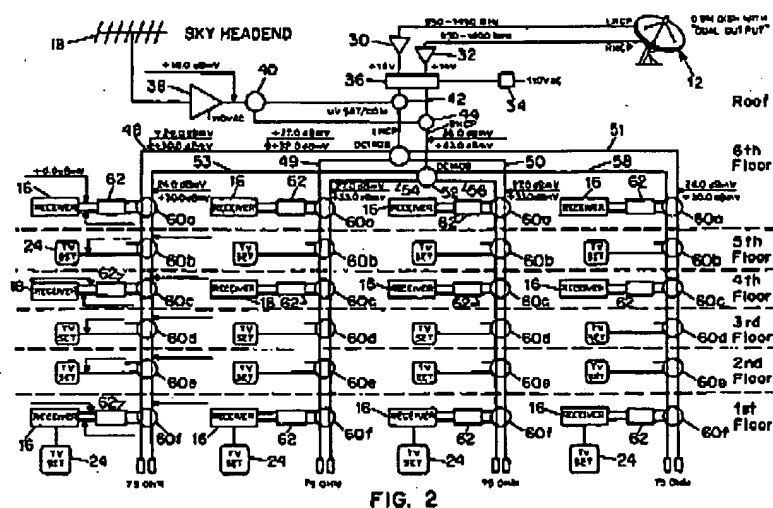


FIG. 2

However, claim 1 recites *the first signal is directed to the first output and the slaved output and selected by a first control signal applied at the input*. Not only does switch 62 not select between a first output and a slaved output, switch 62 does not provide anything analogous to a control signal at all, let alone one that is provided at the input (which the Office Action analogizes to the splitter in the upper center area of FIG. 2 above).

Third, FIG. 2 shows that switch 2 provides two outputs to a single receiver, and nothing in the Novak reference remotely suggests that each of the receivers (16) includes more than one tuner. If one receiver is deemed to be the "first tuner" and another receiver the "slaved tuner" (inappropriate, because there is no disclosure that the second tuner is "slaved"), the switch feature is still not disclosed, because switches 62 do not switch outputs between receivers.

For all the foregoing reasons, the Applicants respectfully traverse the rejection of claim 1. Claim 2 recites a service selector for directing the tuning of the first tuner and the slaved tuner and for producing the first control signal. The Office Action indicates that the switch 62 discloses these features, but as described above, there is no slaved tuner, and the switch 62 does not direct tuning of anything analogous to a first tuner and a slaved tuner (it merely selects which input is provided to its related receiver). It also does not produce a control signal of any kind.

The foregoing deficiencies in the rejection of claims 1-2 are magnified when considering the rejection of claims 3-9, 11, 12, 15, 16, 20, 21 and 23, as these claim additional features that are not disclosed by the Novak reference.

With Respect to Claims 28-34, 36, 37, 40, 41, 45, 46, and 48: Claim 28 recites:

*A method of receiving services, comprising:
generating a first control signal to select a first signal;
receiving a first signal including a first service and a slaved service, wherein the first service and the
slaved service are at the same polarization;
splitting the first signal with a first splitter to a first output and a first slaved output;
tuning the first service from the first output with a first tuner; and
tuning the slaved service from the slaved output with a slaved tuner.*

The rejection of claim 28 is incorrect for much the same reasons as those discussed above with respect to claim 1. Switch 62 does not generate a first control signal. It presumably responds to a control signal to select a signal. Novak does not disclose the notion of a slaved service at all, let alone how one could be simultaneously received using a second tuner. Splitter 46 does not split the first and second services

Claims 29-24, 36, 37, 40, 41, 45, 46, and 48 are patentable for the same reasons.

In paragraphs (6)-(7), the Office Action rejected claims 73-75 and 77 under 35 U.S.C. §102(e) as being anticipated by Arsenault et al., U.S. Patent No. 6,922,844 (Arsenault). The Applicant respectfully traverses these rejections.

With Respect to Claims 73-75 and 77: Claim 73 recites:

*A method of business for delivering simultaneous services, comprising:
transmitting a plurality of signals, each signal including a plurality of first services and at least one
slaved service at the same polarization and the at least one slaved service is the same for each signal and
polarization; and
receiving and retransmitting each signal separately to a downlink antenna.*

According to the Office Action, Arsenault discloses transmitting a plurality of signals, each signal including a plurality of first services and at least one slaved service at the same polarization. Arsenault, however, does not disclose the notion of a slaved service. Instead, what are disclosed is a satellite providing legacy services (e.g. existing services) and non-legacy services. Accordingly, the Applicants respectfully traverse the rejection of claims 73-75 and 77.

In paragraphs (8)-(9), the Office Action rejected claims 10, 13, 14, 17-19, 35, 38, 39, and 42-44 under 35 U.S.C. §103(a) as being unpatentable over Novak, U.S. Patent No. 5,787,335 (Novak). The Applicants respectfully traverse these rejections.

With Respect to Claims 10 and 35: The Office Action acknowledges that Novak does not disclose that the system is integral to an integrated receiver/decoder (IRD), but suggests that since such IRDs are well known in the art, it would have been obvious to include an IRD in the Novak system to promote both space and power efficiency.

The problem with this argument is that Novak itself discloses receivers (16) and that those receivers are architecturally incapable of performing the functions described in claim 10 (by virtue of its dependence on claim 1). To encompass the first tuner, slaved tuner, and splitters, the "IRD" would span several floors in a building ... hardly promoting space and power efficiency.

With Respect to Claims 17-19 and 42-44: Claim 17 recites that the table used to provide the slaved frequency of the slaved services is provided from a dial-up service. The Office Action argues that since dial up service is well known, it would be obvious to modify Novak to obtain the information via dialup. However, dialup service is typically used to for receiver to headend transmissions, not for headend to receiver transmissions. Further, the prior art would appear to teach transmitting the information in the broadcast stream, rather than by a dial-up (many subscribers do not hook up their receivers to the telephone, as the phone plug is not usually conveniently located). Hence, the Applicants respectfully disagree that it would be obvious to use a dial up service to transmit information of any kind to the receiver.

In paragraph (10), the Office Action rejected claims 22, 24-27, 47, and 49-52 under 35 U.S.C. §103(a) as being unpatentable over Novak in view of Khoo et al., U.S. Patent No. 6,434,747 (Khoo). The Applicants respectfully traverse these rejections.

With Respect to the Rejection of Claims 22, 24-27, 47, and 49-52: According to the Office Action, it would be obvious to modify Novak according to Khoo to allow the server to efficiently distribute customized programs to a user. However, Novak and Khoo envision an entirely different distribution scheme. Novak is directed to a community television implementation in which a plurality of programs are delivered to a location with many receivers and those receivers tune to programs of interest. Khoo is directed to customized channels. Since Novak and Khoo are directed to entirely different solutions to the problem of distributing programs (community versus customized), the Applicants cannot agree that there is a teaching for one of ordinary skill in the art to modify Novak as taught by Khoo.

In paragraph (11), the Office Action rejected claims 53-56, 58, 63-66, and 68 under 35 U.S.C. §103(a) as being unpatentable over Novak in view of Arsenault. The Applicants traverse these rejections.

With Respect to the Rejection of Claims 53-56, 58, 63-66, and 68: As described above, neither Novak nor Arsenault disclose the notion of slaved services, slaved tuners, or slaved outputs. In addition, please consider the following statement:

The subject Application (Serial No. 09/870,323) and U.S. Patent 6,922,844 were, at the time the invention of Application Serial No. 09/870,323 was made, owned by or subject to an obligation of assignment to the Hughes Electronics Corporation.

This averment is also presented in the attached "Statement of Common Ownership."

In paragraph (12), the Office Action rejected claims 76 and 78-81 under 35 U.S.C. §103(a) as being unpatentable over Arsenault in view of Khoo. In consideration of the statement and arguments provided above, the Applicants respectfully traverse.

In paragraph (13), the Office Action rejected claims 57, 59-62, 67, and 69-72 under 35 U.S.C. §103(a) as being unpatentable over Novak in view of Arsenault and further in view of Khoo. In consideration of the statement and arguments provided above, the Applicants respectfully traverse.

VII. Dependent Claims

Dependent claims 2-27, 29-52, 54-62, 64-72, and 74-81 incorporate the limitations of their related independent claims, and are therefore patentable on this basis. In addition, these claims recite novel elements even more remote from the cited references. Accordingly, the Applicant respectfully requests that these claims be allowed as well.

VIII. New Claims

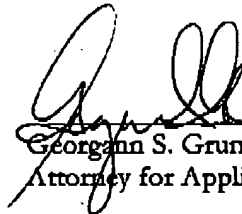
New claims 82-86 are presented for the first time in this Amendment. For the reasons described above, new claims 82-86 are patentable over the prior art of record, and the Applicant respectfully requests the allowance of these claims as well.

IX. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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